IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 76131-M of 2006

DATE OF DECISION : 08.02.2007

Surinder

.... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Vipul Jindal, Advocate, for
Mr. Rakesh Gupta, Advocate,
for the petitioner.

Mr. Partap Singh, Senior DAG, Haryana.

Ms. Ritu Nain, Advocate,
for the complainant.

Petitioner Surinder, apprehending his arrest in a non-bailable offence in case FIR No. 566 dated 10.11.2006 under Sections 148, 149, 323, 324, 326/506 IPC, registered at Police Station City Kaithal, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

I have heard counsel for the parties and have gone through the contents of the FIR as well as the order dated 30.11.2006, passed by Additional Sessions Judge, Kaithal, whereby bail application of the petitioner has been dismissed.

Counsel for the petitioner contends that initially, the aforesaid FIR was registered under Sections 323, 324, 506, 148, 149 IPC. For these offences, the petitioner was arrested on 12.11.2006, produced before the Chief Judicial Magistrate on 13.11.2006 and was sent to judicial custody till 15.11.2006. Thereafter, he was released on regular bail on 15.11.2006. Counsel contends that subsequently, for the alleged injury on the arm of

injured Balwinder Singh, offence under Section 326 IPC was added and petitioner is now apprehending his arrest for the newly added offence. Counsel contends that the petitioner was already arrested and recovery was effected, therefore, his custodial interrogation is not required.

While issuing notice of motion on December 05, 2006, interim anticipatory bail was granted to the petitioner subject to his joining investigation.

Counsel for the petitioner states that in terms of the interim order dated December 05, 2006, the petitioner has joined the investigation. The State counsel does not dispute this fact and further states that the petitioner is no more required for further investigation.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated December 05, 2006, is made absolute subject to the same terms and conditions.

Disposed of accordingly.

February 08, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**